

IN THE ABSTRACT

Please amend the Abstract as follows:

Page 29, line 28, after "chamber." please insert —A means for defining a flow path between the fluid inlet and the fluid outlet is formed in at least one of the first and second side walls of the casing. The flow path defining means is tapered so that the cross-sectional area at the fluid inlet is greater than the cross-sectional area at the fluid outlet.—

REMARKS

Claims 1-20 are pending in this application. Of these pending claims, Claims 9-13, 15-17, 19 and 20 are allowed, Claims 1, and 5-8 stand rejected, and Claims 2-4 are objected to. In view of the above amendments and the following remarks, the above rejections are traversed and reconsideration of this application is respectfully requested.

Drawings

In paragraph two of the most recent Office Action, the Examiner objected to the drawings because reference numeral 28C has been used to describe a chamber portion, an annular recess, a pump chamber, and a fluid directing side channel portion. By this amendment, the specification has been amended such that reference numeral 28C consistently describes a side channel portion. Further, the lowercase letter in reference numeral 74a has been amended throughout the specification to a capital letter 74A. Lastly, reference numeral 52 has been added to FIG. ²⁰21 in a corresponding request for proposed drawing changes filed concurrently herewith in a separate letter. The request for proposed drawing changes also includes the change of the lowercase letter in reference numeral 28a in FIG. 2 to a capital letter 28A. Applicant submits that the amendments above and those made to the drawings serve to overcome the objections described in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this objection. Applicant will forward the formal drawings when a Notice of Allowance is received.

Specification

The Specification stands objected to for failing to provide proper content for the Abstract of the Disclosure. Accordingly, the Abstract has been amended on page 29 to provide a proper Abstract of the Disclosure. Therefore, Applicant respectfully requests reconsideration and withdrawal of the Examiner's objection.

The Disclosure has also been objected to because of various informalities. By this amendment, these informalities have been individually addressed. Accordingly, reconsideration and withdrawal of this objection is respectfully requested.

Rejections Under 35 U.S.C. §112

In paragraph five of the Office Action, the Examiner rejected Claims 7, 14, and 18 under 35 U.S.C. §112, second paragraph. By this amendment, Claims 7, 14, and 18 have been amended taking the Examiner's example into account. Applicant now believes that all pending claims particularly point out and distinctly claim the subject matter of the present invention. Therefore, reconsideration and withdrawal of the rejection of Claims 7, 14, and 18 is respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1 and 5-8 stand rejected under 35 U.S.C. §102(a) as being anticipated by Treiber, et al. (U.S. Patent No. 5,486,087). Although Applicant does not necessarily agree with the Examiner, in order to expedite the prosecution of this application, Applicant has elected to amend Claim 1 to call for the tapering element of originally filed Claim 2. It is submitted that Claim 1 is now in condition for allowance since Claim 2 was deemed allowable if re-written in independent form. An indication of such is respectfully requested. With respect to Claims 5-8, it is respectfully submitted that since these claims depend from newly amended Claim 1, they are also in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection of Claims 1 and 5-8 is respectfully requested.

Allowable Subject Matter

Applicant acknowledges the Examiner's indication that Claims 9-13, 15-17, and 19-20 are allowable over the prior art. Further, Claims 14 and 18 were deemed allowable if rewritten to overcome the rejection under 35 U.S.C. §112. Applicant submits that the amended claims 14 and 18 are now in condition for allowance. Lastly, Claims 2-4 were objected to as being dependant upon a rejected base claim, but were deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. By this amendment, Claim 1 has been amended to include the subject matter of Claim 2. Accordingly, it is submitted that Claims 3-4 are now in condition for allowance.

CONCLUSION

Applicant has considered the prior art references identified by the Examiner and believes that the invention as claimed is patentable over the prior art. Applicant respectfully submits that none of the cited references teach or suggest Applicant's claimed invention. In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance. If the Examiner has any questions or comments with respect to this amendment, the Examiner is requested to contact the undersigned at his earliest convenience.

Please address all written correspondence regarding this application to: Patent Docket Administrator, Borg Warner Automotive Inc., 6700 18½ Mile Road, P.O. Box 8022, Sterling Heights, MI 48311-8022.

Respectfully submitted,

Date: March 10, 1997

Borg-Warner Automotive, Inc.
Patent Department
6700 18½ Mile Road, P.O. Box 8022
Sterling Hts., MI 48311-8022
ATTN: Patent Docket Administrator

By

Philip R. Warn
Philip R. Warn
Reg. No. 32,775
Attorney for Applicants